

POLAR BEAR RANGE STATES' MEETING

National Conservation Training Center, Shepherdstown, West Virginia, U.S.A.
26-28 June 2007

Summary record of the sixth plenary session of the meeting

Afternoon of 28 June 2007

Chairman: Kenneth Stansell
Rapporteurs: Mary Cogliano
Tim Van Norman

Discussion (continued)

The Chairman announced that changes to the 6-27-07 Revised Draft of the Polar Bear Range States' Meeting Summary (6-27 Draft), resulting from discussions of the fifth plenary session, had been distributed to the delegates in the form of a red-line strike-through version of the 6-27 Draft.

The Chairman recounted that in the fifth plenary he had requested Norway to work on language to clarify the meaning of "integrated management" in the tenth paragraph under **Meeting Outcomes**, in response to questions by the plenary.

Responding, Norway proposed revised language and also suggested referencing the forthcoming Arctic oil and gas assessment, as follows:

The Parties agreed to a number of action items relative to the issue of bear-human interactions. For oil and gas development, the Parties agreed that this is an emerging issue and that there is a need for ~~active and integrated management~~ appropriate policies, regulations, and management measures (NO) to minimize impacts on polar bears. ~~and~~ There is also a need for monitoring programs and a greater understanding of the impacts on polar bear populations. The forthcoming Arctic Council oil and gas assessment may also provide important information in this regard (NO). For village safety issues, the Parties agreed that there are increasing incidences of polar bear-human interactions, and there are a number of positive examples of programs to reduce this conflict. The Parties agreed to an exchange of information on best practices to minimize conflicts.

The Chairman asked if there were any objections to this new language, and there were none.

The United States requested that in the ninth paragraph under **Meeting Outcomes**, "peoples" be changed to "people" in order to be consistent with U.S. laws.

Greenland objected, noting that it uses “peoples” in international meetings.

The United States responded that it would agree to the use of “peoples” as long as a footnote could be inserted to clarify its particular meaning. The United States noted that it would submit to the Chairman the appropriate text regarding use of the word.

Russia requested clarification of the changes to, “tradition of indigenous peoples.”

The Chairman noted that the range countries had noted the tradition of indigenous peoples and explained the United States suggestion to keep the “s” in “peoples” with a clarifying footnote.

Canada suggested keeping “Canadian peoples.”

The Chairman noted maintaining “peoples” when it is specific to Canada.

The Chairman asked if there were any objections. There were none, so the Chairman noted that it is agreed.

The Chairman moved that the delegates continue vetting of the paragraphs of the 6-27 Draft in consideration of village safety issues.

Norway suggested deleting the first four words in the eleventh paragraph under **Meeting Outcomes** and noted that they would like to see a management response relating to tourism, similar to the wording added in the paragraph on oil and gas development.

Canada noted that language relating to a code of conduct for tourist activities would go beyond the scope of this meeting.

Russia agreed with Canada.

Norway clarified that it is referring to the idea that domestic measures need to minimize impacts from the tourism industry on polar bears.

Canada responded that the text could state that we recognize the role domestic measures play.

The Chairman requested consensus from the delegations.

The United States noted that it shares the concern raised but that it is comfortable with the language discussed.

The eleventh paragraph under **Meeting Outcomes** was revised as follows:

~~For shipping and tourism,~~ (NO) † The Parties agreed that shipping and large vessel traffic is an emerging issue. The Parties noted that the Arctic Council is

undertaking an Arctic Shipping Assessment and deferred further consideration until that assessment is complete. For tourism, the Parties agreed that impacts to polar bear conservation are a growing concern, and there is a need for appropriate policies, regulations, and management measures. ~~but additional research is required to quantify impacts~~ (CA). The Parties agreed that voluntary best practices and a code of conduct for tourist activities should be considered.

The Chairman requested all delegations to carefully review the language to ensure that the agreed language was correctly captured.

Canada suggested alternative language for the twelfth paragraph under **Meeting Outcomes**.

Norway offered that they can support the suggested additions, but would like to keep language concerning bilateral cooperation on habitat protection.

Greenland suggested changing the wording to reflect management of “polar bears” rather than management of “sea ice conditions.”

The twelfth paragraph under **Meeting Outcomes** was revised as follows:

For habitat protection measures, the Parties reinforced the importance of Article II of the 1973 Agreement relative to the adequate protection of ecosystems of which polar bears are a part. Further, the Parties welcomed the efforts already undertaken by range States on habitat protection, and encouraged continued bilateral cooperation on habitat protection ~~protected areas~~ relative to shared populations, (NO) as well as land-use planning for conservation purposes. ~~The range States further agreed to promote land-use planning to conserve~~ The Parties further agreed to cooperate on the identification of (CA) critical coastal, marine, and terrestrial areas in need of protection, share experiences on the management of key areas such as the marginal ice zone, and identify polar bear management responses in response to changing sea ice conditions (GL).

Russia noted that it would like to see a Russian translation on the new wording before commenting.

The Chairman agreed that the final decision on the wording in this paragraph would be deferred until Russia had a chance to review it.

Regarding the thirteenth paragraph, the United States expressed concern about the portion of the last sentence that states, “. . . and to recommend changes or modifications as appropriate,” as this language sends the message that this group could propose treaty changes.

The Chairman recommended that this portion of the sentence be deleted.

The United States, Norway, Russia, and Greenland concurred, and the Chairman noted the agreement to accept the reduction in language.

Norway suggested including language that this process includes looking at improved governance and management of the 1973 Agreement.

This United States, Russia, and Greenland questioned Norway's proposed language, and the Chairman proposed this topic be tabled until after discussion of the subsequent paragraph in the 6-27 Draft.

Norway agreed to the suggestion.

The Chairman noted that the following paragraph in the 6-27 Draft raises the idea that we create a group to ensure follow-up.

The United States agreed that discussions are useful and that a procedural structure should be developed. It noted that the problematic language appears to be the delineation of a specific governance structure rather than working towards development of that structure.

Canada had similar thoughts but noted the importance of keeping the idea of an interim structure to allow work towards governance.

Greenland proposed inserting a reference to Articles VIII and IX of the 1973 Agreement.

Norway suggested switching the order of the final two paragraphs of the 6-27 Draft, resulting in: 1) the range States' recommendation that a formal structure be in place, and 2) the range States' recommendation to establish an interim structure.

Russia agreed with the suggested changes, making reference to Article IX of the 1973 Agreement.

The Chairman noted the agreed way forward.

Concerning the last paragraph of the 6-27 Draft, Russia raised the question about whether "comprehensive action plan" refers to a national action plan, circumpolar action plan, or both.

The Chairman clarified that the intent is that it would be a circumpolar, coordinated effort for polar bear conservation.

In regards to the preceding (fourteenth) paragraph of the 6-27 Draft, in the last sentence Norway suggested adding "improved" prior to "... implementation of the 1973 Agreement" to prevent giving the impression that this effort is just now beginning.

The Chairman asked the delegates if the range countries agree to formal biennial meetings.

Norway noted it would prefer “regular meetings” and that the agenda of the next meeting should include discussions on the frequency of meetings, rules of procedure, its relationship to the PBSG, and other formal aspects. Regarding the “comprehensive action plan,” Norway noted the language should state the need for a coordinated plan rather than development of a plan.

Russia, underscoring the importance of meetings, disagreed with the suggestion to change “biennial meetings” to “regular meetings.” Russia pointed out that meeting less frequently than every two years would not allow most efficient use of the rapidly emerging scientific information. Further, Russia offered that it would be beneficial to state the frequency of meetings because the 1973 Agreement does not.

Greenland agreed with Russia to maintain the reference to “biennial meetings.”

The United States suggested noting that the Parties agreed to hold meetings on a biennial schedule or otherwise as agreed to by the parties, in order to include at least an initial expectation. The United States also agreed with Russia that the scientific knowledge is growing very rapidly as a result of changing ice issues and meeting less often than two years may not put us in the best position to use that science.

Norway agreed with the U.S. suggestion. In addition, Norway suggested that this first formal meeting be used to put into place rules of procedure, frequency of meetings, discussions of the PBSG and the need for scientific advice, and perhaps using Articles VIII and IX to address the issue of compliance, as well as working on coordination of a comprehensive action plan.

Greenland noted that it is premature at this meeting to look at structures and details of the next meeting and proposed that a working group develop agenda items and recommendations for the next biennial meeting.

Norway agreed to this approach but requested that its suggested key words for the agenda items and recommendations for the action plan be noted for the record.

The Chairman agreed to maintain the identified agenda items for the record. The Chairman also noted that the range States agreed that the agenda for the next biennial meeting would be developed by a working group in reflecting the items identified by this meeting.

Finally, the Chairman called for the switching of the last two paragraphs in the 6-27 Draft, with the final paragraph referencing the implementing mechanism.

The Chairman noted completion of the review of the meeting summary.

The revised final three paragraphs of the 6-27 Draft follow:

The Parties recommended that a process be developed within the existing framework of the 1973 Agreement to assess the effectiveness of the agreement to achieve its core objectives ~~and to recommend changes or modifications as appropriate.~~ (US).

The range States agreed to hold meetings on a biennial schedule or otherwise as agreed to by the range States (US). ~~formal biennial meetings of the contracting parties to be hosted by one of the range States to assess progress on the effectiveness of the 1973 Agreement.~~ The Parties recognized the need for a coordinated circumpolar action plan for the conservation of polar bear populations and agreed that the agenda for the next biennial meeting would be developed by a working group in reflecting items identified by this meeting (NO). ~~should consider the development of a coordinated and comprehensive Action Plan for the conservation of circumpolar polar bear populations.~~

In accordance with Articles VIII and IX of the 1973 Agreement, (GL) the Parties agreed to establish a working group to serve as an interim structure to develop a governance structure for the 1973 Agreement (CA). This working group will be comprised of the Heads of Delegation to this meeting or their designees to serve as the representatives of the range States (US). ~~of the competent authorities to this meeting (or their designees) to serve as the governance structure for the 1973 Agreement.~~ The working group will meet periodically via teleconference or in person to assess progress of action items agreed at the 2007 ~~meeting and to consider emerging issues to facilitate the improved~~ (NO) ~~the implementation of the 1973 Agreement.~~

The Chairman commended the efforts of the range States and opportunities undertaken and willingness to make decisions. He announced that to have reached such consensus is a cause for celebration among the Parties to this Agreement and that the range States have done an excellent job of moving work on polar bear conservation forward.

The Chairman noted that compact discs of all the country reports are available and that within the next couple of days revised Plenary summaries and the meeting summary will be emailed to the Heads of Delegations.

The Chairman offered that final documents, if agreed by the range States, will be provided by the United States on its website for access, as it is important to demonstrate the good work this group has prepared.

The Chairman then opened the floor to any additional interventions.

Several additional changes to the 6-27 Draft were suggested.

In the first paragraph following **Meeting Outcomes**, Canada requested the last part of the last sentence to be changed to, “. . . constitutes the most significant among several threats to polar bear conservation.”

Greenland voiced that it had no opposition to the proposed wording. Further, Greenland requesting adding in the sixth paragraph under **Meeting Outcomes** after, “. . . PBSG to define the minimum information needs and design standards for the ongoing monitoring and reporting of the status of each subpopulation and habitats” the following:

When developing the minimum monitoring requirements, both conventional scientific monitoring and systematically collected user observations and traditional ecological knowledge should be considered.

The United States noted its agreement with that compromise.

Norway and Russia also agreed.

Norway thanked the United States for hosting the meeting and thanked the Chairman for keeping the pieces together, and recommended that this was reflected in the “Outcome Summary”. Norway noted that hopefully the meeting represents a new start to a very important agreement.

The United States made another intervention, questioning wording in the sixth paragraph below **Meeting Outcomes**. In the sentence stating, “. . . will facilitate a dialogue with the PBSG to develop a work assignment for the PBSG to define the minimum information needs. . .” the United States suggested substituting “request” for “assignment.”

The Chairman agreed that this group should adequately reflect its relationship with the PBSG.

Russia noted that the PBSG is an independent body and has a General Director and that this group could request or petition the General Director to review requests and consider assigning them to the PBSG through its council.

The Chairman noted the agreement to clarify the language.

In the ninth paragraph under **Meeting Outcomes**, The United States suggested the following change:

The Parties noted the tradition of indigenous peoples¹ for subsistence harvest, and acknowledged the inherent right of Canadian indigenous peoples for subsistence harvest of polar bears, and the need to ensure provide that subsistence harvest, particularly of shared populations, ~~must be~~ is based on sustainable management programs. . . (US)

The United States noted that the footnote following the first “peoples” should state:

The United States notes that the use of the term “peoples” in this report shall not be construed as having any implications as regard the rights which may attach to the term under international law (US).

The Chairman asked if there were any objections. Seeing none, he noted the changes are agreed.

The Chairman asked if there were additional interventions. Seeing none, he proceeded to close the meeting. The Chairman thanked the rapporteurs, interpreters, and staff of the National Conservation Training Center.

The Head of the United States Delegation expressed gratitude for the professionalism and willingness of the delegates to attend the meeting and work together to try to accomplish positive things in challenging times. He noted that the electronic and medical fields are changing, and the environment is also changing. He voiced that the delegates’ dedication to making positive impacts is humbling to him. The Head of the United States Delegation then presented each Head of Delegation with a gift.

The Head of the Canadian Delegation thanked the Chairman for facilitating conversation and discussion, and thanked the U.S. hosts for offering its facility and hospitality. She said that much progress had been made over the last few days. She underscored the meeting’s importance to all of Canada, especially northern Canada, and stated that Canada was pleased to have the opportunity to explain the traditional rights system, how subsistence harvest is an important part of the quota system, and how sport hunting is part of that system. She also indicated that Canada was grateful for the understanding of the importance of its comments on the 1994 amendments to the MMPA. The Head of the Canadian delegation then thanked the Canadian delegation for its support.

The Head of the Russian Delegation thanked the Chairman for the excellent facilities and for the hospitality in this beautiful center. He noted that it is the eve of the Russian Federation President arriving to speak with United States President, and is an especially important step in furthering these relations. He noted that Russia is looking forward to continued bilateral talks and thanked everyone in attendance, including the United States for its warmth and kindness always experienced here. He noted that cooperation with the United States on conservation has been underway bilaterally since 1972. He stated that through political changes the United States and the Russian Federation have never stopped that work and this is a major milestone. He also said that for conservation of very important species, and in the wider context of global climate change, it is very important to have constructive relations with all our neighbors and friends.

The Head of the Greenland Delegation remarked that this meeting has had a more positive outcome than originally expected and that Greenland is very pleased to have been involved in this meeting. She thanked the United States for hosting the meeting in such a beautiful green area.

Norway echoed the sentiments of the other countries, and stated it hopes the positive and constructive spirit from the Range States would be the same when they meet as contracting Parties.

The Chairman expressed gratitude for the interpretive equipment.

The Chairman officially closed this second meeting of polar bear range States. He wished the delegates a safe and comfortable return home and said he looked forward to seeing everyone again in other fora or in other polar bear meetings.